

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5015 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- KONCH District- Gaya

Bharat Yadav Son of Duli Yadav @ Dulichand Yadav Resident of Village -
Shahganj Lodipur, P.S. - Konch, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gita Devi Wife of Doman Das Resident of Village - Shahganj Lodipur, P.S. -
Konch, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 01-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 26.09.2024 passed by Learned Exclusive
Special Judge SC/ST, Gaya whereby the prayer for bail of the
appellant in connection with Konch P.S. Case No. 333 of 2024
under Sections 126(2), 115(2), 109, 352, 3(5) of the Bharatiya
Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s), 3(2)(v)
of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant
along with other co-accused persons restrained her way, abused



and assaulted her by means of Iron rod due to which she sustained serious injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation against the appellant is general and omnibus in nature. The occurrence did not take place in public view. It is next submitted that there is case and counter case between the parties. The injury received by the injured are simple in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 14.08.2024 and has got one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and order dated 26.09.2024 passed by Learned Exclusive Special Judge SC/ST, Gaya is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Konch P.S. Case No. 333 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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